



US Army Corps
of Engineers®

Public Notice

Public Notice No. 07-71 Date: August 13, 2007

Nashville District Application No. 200700245 Expires: September 12, 2007

Please address all comments to: Regulatory Branch, 3701 Bell
Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Channel Relocation and Stream Encapsulation at
Unnamed Tributaries to Love Creek, in Knoxville, Knox County,
Tennessee

TO ALL CONCERNED: The application described below has been
submitted for a Department of the Army Permit pursuant to **Section
404 of the Clean Water Act (33 USC 1344) and Tennessee Valley
Authority permit pursuant to Section 26a of the TVA Act (16 USC
831y-1)**. Before a permit can be issued, certification must be
provided by the State of Tennessee, Division of Water Pollution
Control, pursuant to Section 401(a)(1) of the CWA, that applicable
water quality standards will not be violated. The applicant has
applied for the State certification by separate application.

APPLICANT: Tiffany Crossing
Attn: Mr. Nadeem Siddiqi
2001 Laurel Avenue, Suite 201
Knoxville, Tennessee 37916

LOCATION: Two unnamed tributaries to Love Creek, south of I-640
and east of Millertown Pike, in Knoxville, Knox County, Tennessee,
Lat 36°01'43", Lon 83°52'08", USGS John Sevier Quadrangle

DESCRIPTION: The proposed development (Tiffany Crossing) will
include a hotel, two restaurants, and a commercial building. The
development will require the relocation of approximately 1,160' of
a perennial tributary to Love Creek. The approximate relocated
stream length would be 1,230', resulting in a gain of 70' of
stream. Site development also calls for encapsulating
approximately 225' of ephemeral stream.

Mitigation Plan and Monitoring. A qualified environmental
consultant will be onsite to provide guidance to the grading
contractor for implementation of the construction plans. The
relocated stream will be constructed with meanders and riffle-pool
sequences at suitable locations to provide a natural flow regime

and appearance. The new stream channel design will incorporate the geomorphic characteristics of the unnamed Love Creek tributary. Before flow is diverted into the relocated channel, its streambanks will be stabilized with erosion mats. Turf reinforcement logs and matting would be used on the outside bends and in other high energy areas to provide additional bank stabilization while the vegetation is being established. The relocated channel will maintain a 48' wide (average) buffer on the north side of the stream. No development is planned on the south side of the property where a wider forested buffer is present between the site and a subdivision.

Tree planting will consist of two rows of tree seedlings and two rows of shrubs on each side of the relocated stream banks. Approximately 250 trees and 250 shrubs will be planted. Trees and shrubs to be planted will consist of bare-root stock, cuttings, and container-grown plants, ranging from 18" to 24" in height. Planting will be appropriately scheduled to coincide with optimum planting times. No individual species of trees or shrubs planted will comprise more than 25 percent of the proposed plantings. The following woody plant species are proposed:

<u>Trees</u>	<u>Shrubs</u>
pin oak	strawberry bush
red maple	buttonbush
green ash	silky dogwood
sycamore	Virginia willow
northern red oak	river birch

A 5-year monitoring program will be established that will include vegetation and surface hydrology. The monitoring data will be used to prepare annual reports. Detailed information on additional construction aspects, planting considerations, and monitoring is available upon request. Please contact J. Ruben Hernandez at (615) 369-7519 to arrange viewing this information.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use,

navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

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Other federal, state, and/or local approvals required for the proposed work are as follows:

a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

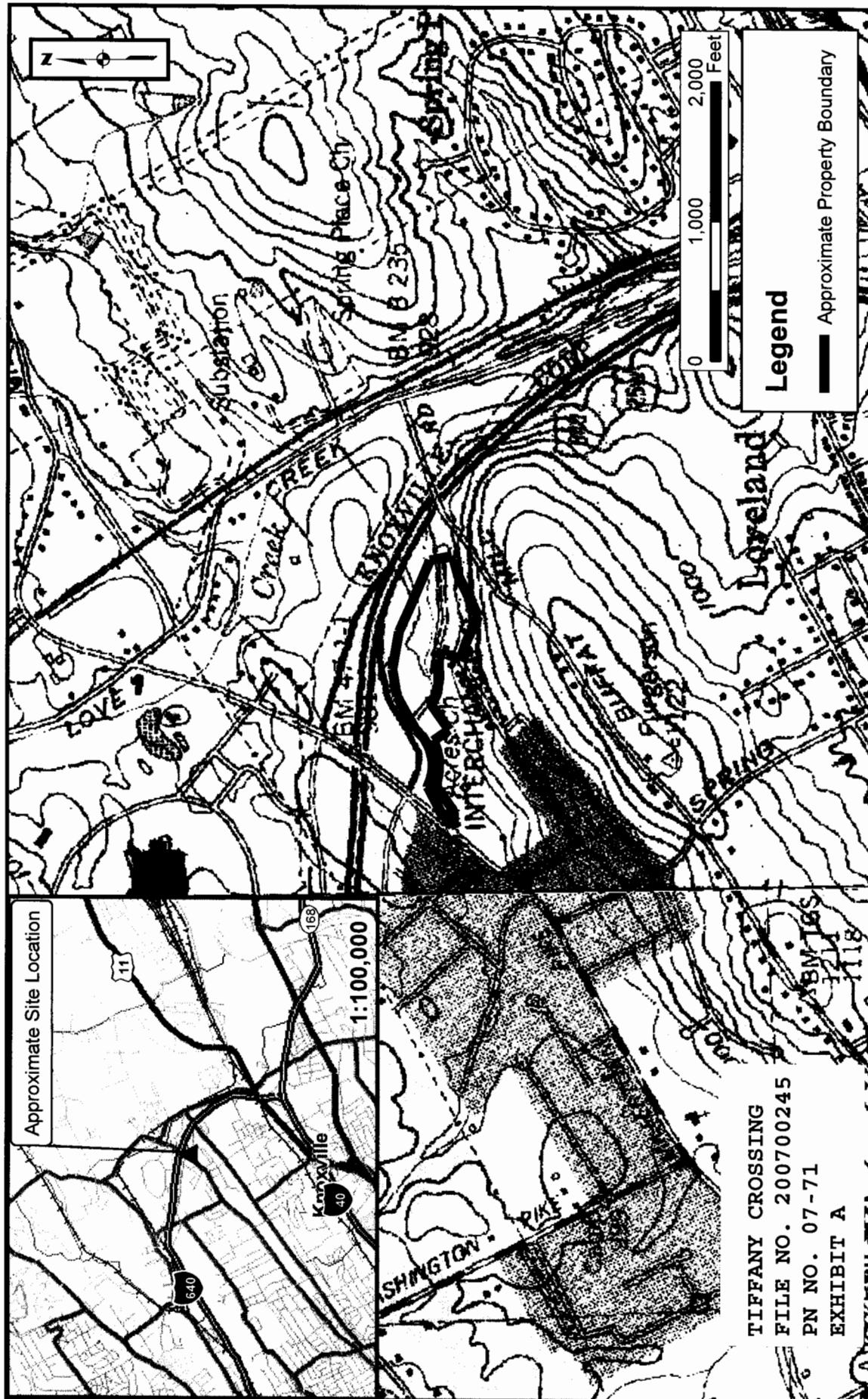
b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before September 12, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Debbie Rutherford, Little Tennessee Watershed Team, 260 Interchange Park Drive, Lenoir City, Tennessee 37772-5664.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Hernandez at the above address or phone number.



USGS Topographic
Quadrangle Reference:
 Fountain City (West)
 John Sevier (East)

SCALE: AS SHOWN
 CHECKED: EMP
 DRAWN: MDS
 DATE: 12/7/2006



Site Vicinity Map
Millertown Pike Project
 Knoxville, Tennessee

FIGURE NO:

1

Project No: 1434-06-671



Legend

Approximate Locations

— Property Boundary

--- Wet-Weather Conveyance (Pending Verification)

— Whites Creek

TIFFANY CROSSING
FILE NO. 200700245
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EXHIBIT B

SCALE: AS SHOWN
CHECKED: EMP
DRAWN: MDS
DATE: 12/7/2006

Aerial Photography Provided by
the USGS Seamless Data Server
Flight Date: March 2002



Natural Resource Evaluation Map

Millertown Pike Project

Knoxville, Tennessee

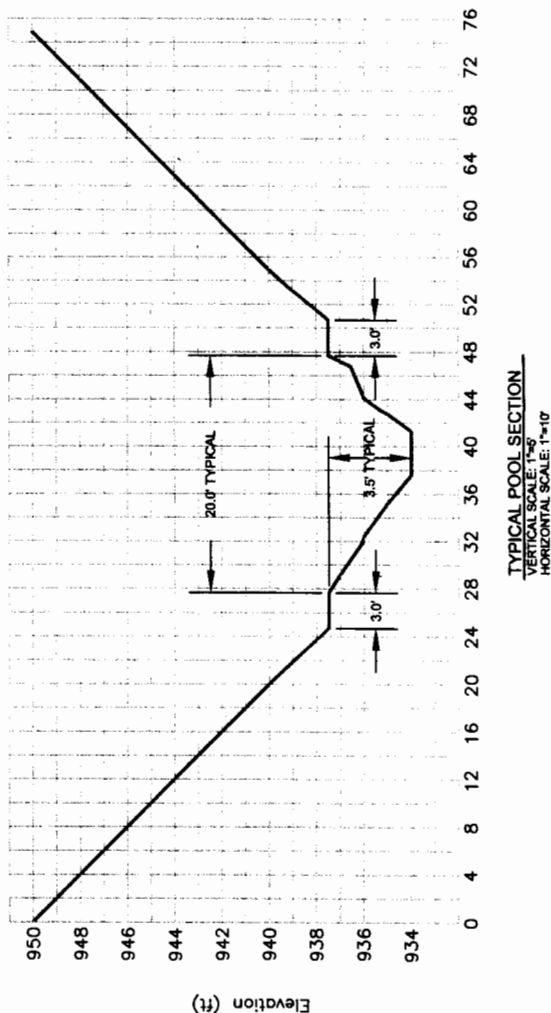
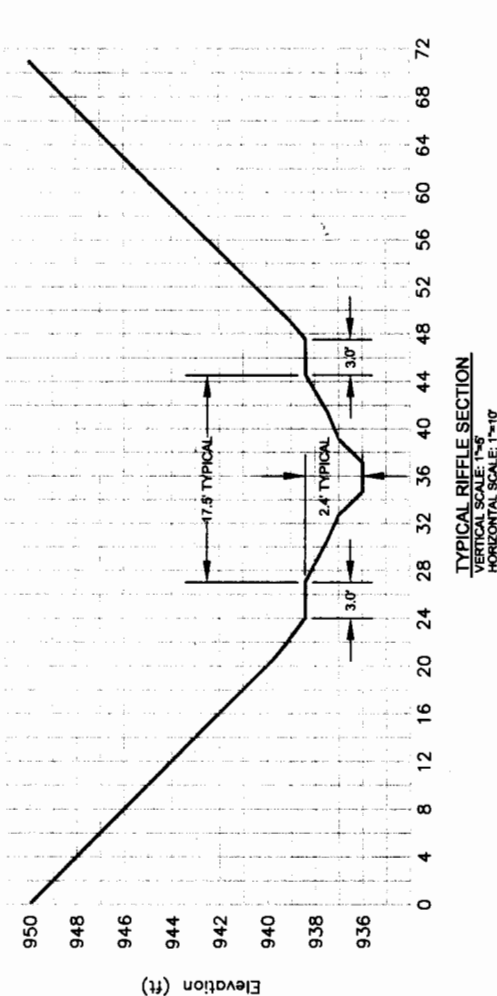
Project No: 1434-06-671

FIGURE NO:

2

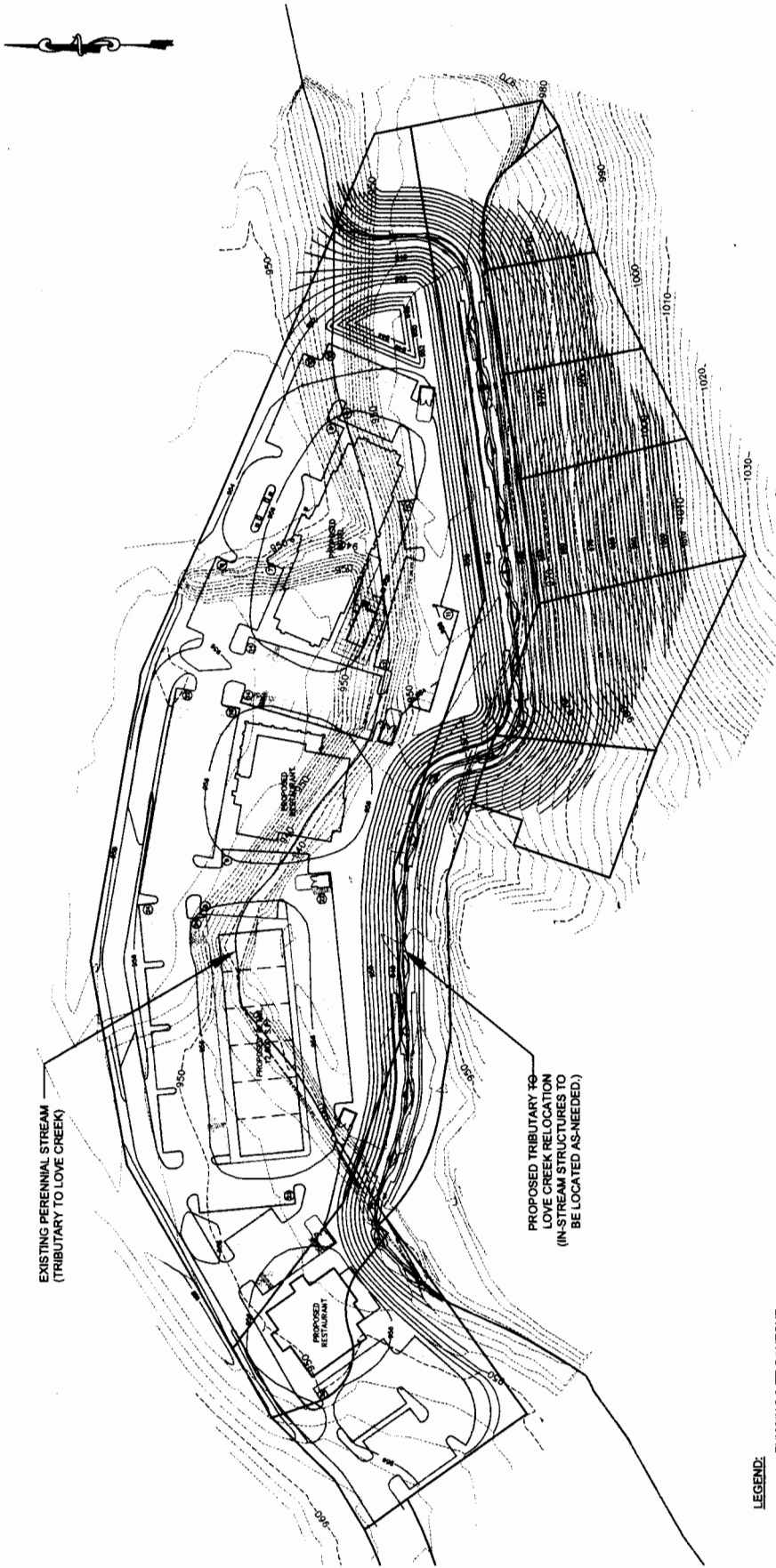
No.	Date	Description
1	04-03-07	ISSUE TO CLIENT
2		
3		
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8		
9		
10		

FIGURE 4



TIFFANY CROSSING
FILE NO. 200700245
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EXHIBIT C

Revisions No. _____ Date _____ Description _____ By: _____ For: _____		FIGURE 3	
Proposed Site Plan Natural Resources Permit Application Millertown Pike Project Knoxville, Tennessee			
DATE: 04-03-07 PROJECT NO.: 1434-06-671 SCALE: 1"=100' APPROVED BY: EMP DRAWN BY: BCW		1413 Tennessee Road Knoxville, Tennessee 37777 Phone: (800) 870-0003 Fax: (800) 870-0003 S&ME ENGINEERING TESTING ENVIRONMENTAL SERVICES WWW.SMEINC.COM	



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

NOTES:
1) DRAWING WAS DERIVED FROM A SITE PLAN PROVIDED BY MICHAEL BRADY INC.

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EXHIBIT D